

Exhibit D



Metropolitan Transportation Authority
Police Department
Internal Affairs Bureau
Civilian Complaint Investigation



CASE NO.: 2006-72 INCIDENT NO.: 06-12112

DATE ALLEGATION RECEIVED BY IAB: 11/15/06

COMPLAINANT/VICTIM/THIRD PARTY: RAYMOND KING on BEHALF of

NAME: STEPHEN BAIN AGE: 71

ADDRESS: 8 NELSON STREET, APT A, NEW BRUNSWICK
NJ 08901

TELEPHONE: 347-752-0075

COMPLAINANT: ARRESTED ☒ SUMMONSED ☐ FIELD INTERVIEWED

OFFICER(S): ARONSON SHIELD: _____

MCDONALD SHIELD: _____

SHIELD: _____

DISTRICT/COMMAND ASSIGNED: PENN

ALLEGATIONS: Comp Alleges sexual harassment that on 9/0020 hrs that he was arrested and knocked unconscious being carried away and told him "Welcome back to reality" Comp alleges PI + SPI

SUPERVISOR ON DUTY: _____

DEPARTMENT DOCKET NUMBER: _____

OTHER AGENCY NO.: _____

CASE FINDINGS: _____

DATE CLOSED: _____

INVESTIGATOR: _____

SUPERVISOR: _____

to reality" Comp alleges PI + SPI

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R - Referred IA number: 06-39403 Received: 11/20/2006 09:10

Case number:

Complainant/victim:

Stephen Bain

Linked address(s):

Complainant Residence: 8 Nelson St 3 New Brunswick NJ 08901 -

Linked phone(s):

Contact Phone: (347) 752-0075

Officers/subjects:

MTA Robert Aronson [#2300/]

Officer current info:

Bureau:

Boro/Division:

Precinct/Command: MTP-METRO TRANSIT AUTHORITY POLICE

Snapshot - officer information at time of incident:

Badge/ID no:

Bureau:

Boro/Division:

Precinct/Command:

Rank/title: POM

Age: Years of employment: Years with unit:

In uniform: No Off duty: No Off duty employed: No

Allegations:

Empl Law Enforce/Not NYPD -

Witnesses/reporters:

Raymond King

Linked address(s):

Complainant Residence: 333 Philadelphia Av Massapequa PA -

Linked phone(s):

Contact Phone: (516) 799-2488

Dominick Tursi

Linked address(s):

Witness Residence: 109 Reon Av Staten Island NY -

Linked phone(s):

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Contact Phone: (718) 490-6482

Summary:

(AC) 11/20/2006 @0910hrs. THE ORIGINAL LOG#06-39142 WAS ASSESSED AS AN "OG". THIS IS A SPIN-OFF AS A REFERRAL *** EMPLY LAW ENFORCE/NOT NYPD ***

(JC) 11/17/06 @ 1600 Hrs. *** Received E-Mail from Raymond F. King who claimed that he is a Private Investigator in the State of New York and has been retained by Compl. Stephen Bain to lodge a complaint on Mr. Stephen Bain's behalf. The E-Mail stated that on Sept 13,2006 , on or about 0025 hours, at Penn Station, in New York, in the vicinity of 33rd Street and 8th Ave Exit/Entrance, Mr. Stephen Bain, 8 Neilson Street #3 New Brunswick, New Jersey 08901, telephone #347 752-0075 was arrested for disorderly conduct, Resisting arrest and assault 2 by Police Officer Robert Aronson, Shield #02300, Metropolitan Transit Authority Police Department. According to Mr Bain, during the course of his arrest he was knocked unconcious by the Police. He briefly regained conciousness and was told by one of the Police Officers " Welcome back to reality." Compl. remembers being kicked in the head and the next time he regained concious he was at Bellevue Hospital, New York. Mr. Bain Suffered physical/ serious Physical injury as a result of this arrest and was admitted to Bellvue Hospital for treatment of injuries which included frontal facial fractures. Mr Raymond stated that he is aware that Officer Aronson is not a member of NYC police DEPT, however neither the complainant nor the witness are able to identify the respective Police Agencies of the Officers involved in the arrest. As you are aware, there are multiple agencies currently assigned to Patrol Penn. Station. This matter is being investigated by Lt. Pontorno, MTA Police IAB. Compl. case is still pending in Manhattan CT and he is represented by Legal Counsel Robert E. Brown, P.C. 30 Vesey Street 15th Floor NY, NY 10007 Tel 212 766-9779.(JC) (AC)

When/where:

Date/time occurred: Sep 13 2006 00:25

Primary Incident Location: ** 33rd St & 8th Av Manhattan NY Precinct: 014-014 Pct.Manahattan S
County: Manhattan South

Associated Case numbers:

06-39142 "OG"

Status/assignment information:

Status: Forwarded

Opened: Assigned: Due: Completed:

Disposition:

Unit assigned: Records - IAB Handled at field/unit level: No
Investigator assign: UN-ASSIGNED
Supervisor assign: UN-ASSIGNED
Source of information:

Organizational component(s):



POLICE DEPARTMENT
CITY OF NEW YORK
INTERNAL AFFAIRS BUREAU



R

Date: NOV 22 2006

FROM: Commanding Officer, Internal Affairs Bureau Records Section

TO: MTA PD IAB

SUBJECT: COMMUNICATIONS REFERRAL

THE FOLLOWING COMMUNICATION(S) IS BEING FORWARDED FROM
THE NYPD INTERNAL AFFAIRS BUREAU FOR YOUR APPROPRIATE
ATTENTION *.

LAB LOG#

06-39403

DATE OF REPORT

11/20/06

2. Please acknowledge receipt of the above correspondence by faxing a
signed copy of this form to the Internal Affairs Bureau Records Section at (212)929-2589
OR by Mailing to:

Internal Affairs Bureau
Records Unit
315 Hudson Street 3rd Floor
New York, New York 10013

Received by: _____

Date/Time: _____

Valerie Clarke

Valerie Clarke
Sergeant



OFFICE OF THE INSPECTOR GENERAL

COMPLAINT NO: 21546

DATE: 12/28/2006 TIME:

DETAILS

DATE OF OCCURRENCE:

TIME:

PLACE OF OCCURRENCE: 33rd Street & 8th Avenue

SUBWAY/BUS LINE:

SUBWAY/BUS CAR #:

NEAREST STATION OR STREET:

DIRECTION OF TRAVEL:

SUBJECT/TARGET OF COMPLAINT: Stephen Bain arrested by MTA PD for assault

EMPLOYEE BADGE #:

SUMMARY OF COMPLAINT

On December 27, 2006, the OIG received a communications referral (log #06-39403), via mail, from Sergeant Valerie Clarke stating that on November 20, 2006, at 0910 hours she received an email from Raymond F. King who claimed that he is a Private Investigator in the State of New York and has been retained by Stephen Bain to lodge a complaint on his behalf.

According to Raymond King, on September 13, 2006, on or about 0025 hours at Penn Station in New York in the vicinity of 33rd Street and 8th Avenue Exit/Entrance, Mr. Bain of 8 Neilson Street #3 New Brunswick, New Jersey 08901, telephone number 347-752-0075, was arrested for disorderly conduct, resisting arrest and assault by Police Officer Robert Aronson Shield #02300 Metropolitan Transit Authority Police Department. Mr. King stated that during the course of Mr. Bain's arrest he was knocked unconscious by the Police Officer and he briefly regained consciousness and was told by one of the Police Officers "welcome back to reality." Mr. King said he stated that he remember being kicked in the head and the next time he regained consciousness he was at Bellevue Hospital in New York. Mr. King stated that Mr. Bain suffered physical injury as a result of this arrest and was admitted to Bellevue Hospital for treatment of injuries which included frontal facial fractures. Mr. King said that he is aware that Officer Aronson is not a member of the NYC Police Department, however neither the complainant nor the witness are able to identify the respective Police Agencies of the Officer involved in the arrest. He said as they are aware, there are multiple agencies currently assigned to patrol Penn Station and the matter is being investigated by Lt. Pontorno, MTA Police IAB. In addition, Mr. King said that the case is still pending in Manhattan and Connecticut and Mr. Bain is represented by Legal Counsel Robert E. Brown, P.C., 30 Vesey Street, 15th Floor New York, NY 10007, Tel # 212-766-9779.

See attached

WHERE COMPLAINT ORIGINATED FROM: Mail

RECEIVED BY: Stephon Miller

COMPLAINANT LAST NAME: Bain

FIRST NAME: Stephen

STREET: 8 Nelson Street #

CITY: New Brunswick

STATE: NJ ZIP: 08901

PHONE (Home): 3477520075

(Office):

COMPLAINT TYPE: Police Officer

HOW COMPLAINANT LEARN ABOUT MTA/IG:

AGENCY INVOLVED: MTA PD

CHECK LIST OF ITEMS REQUESTED BY INTERNAL AFFAIRS BUREAU FOR
CASE # 06-12112

District Log Book		
<input checked="" type="checkbox"/>	District Log Book	encompassing 1800 hours 09/12/06 thru 1200 09/13/06.
Memorandum Books		
<input checked="" type="checkbox"/>	Lt. Nutter	
<input checked="" type="checkbox"/>	Sgt L Dittrich	
<input checked="" type="checkbox"/>	Sgt R Smith	
<input checked="" type="checkbox"/>	PPO L Smith	Assigned to Dist 9 NTF MADE TO CAPT DAMORA
<input checked="" type="checkbox"/>	PO R Aronson	
<input checked="" type="checkbox"/>	PO M Tully	
<input checked="" type="checkbox"/>	PO J Interdonati	
<input type="checkbox"/>	PO McDade	Assigned to K-9 NTF MADE TO DI MARTELLI
<input checked="" type="checkbox"/>	PO Prego	
DVR Video for 9/12/2006		
<input checked="" type="checkbox"/>	Video from 9/12/06	Unavailable due to information been re-recorded over by computer well past the 30 day requirement

Police Department
Internal Affairs Bureau
347 Madison Avenue
New York, NY 10017-3739
212 878-1197 Tel



Metropolitan Transportation Authority

State of New York

November 28, 2006

Mr. Don Cardone
Transcare
Corporate Director Quality Assurance
and Corporate Compliance

Re: Civilian Complaint Investigation # 2006-72

Dear Mr. Cardone:

I am requesting to conduct a telephone interview of EMT #6943, Jonathan Wallace, and his partner, identified only as "Ramos", relative to an active civilian complaint investigation being conducted by the Metropolitan Transportation Department Police Department Internal Affairs Bureau. To my knowledge, neither Wallace nor Ramos are alleged to have engaged in any misconduct relative to this incident. The purpose of the interview is to ascertain any observations made by, or statements made to the EMTs pertaining to the allegations of the aided.

The date of occurrence is September 13, 2006, the location is Penn Station, Long Island Rail Road level, the approximate time of the EMT's arrival at the Penn Station MTA Police District is 0039 hours, and the bus they were operating was #08C.

Should you have any questions or require further information, please contact me at 212-878-1126. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher A. Pontorno".

Christopher A. Pontorno
Lieutenant-MTA PD
Internal Affairs Bureau

Metropolitan Transportation Authority
Police Department



Christopher A. Pontorno
Lieutenant



347 Madison Avenue
3rd floor
New York, N.Y. 10017

Tel: 212 878-1126
Fax: 212 878-1195

STATE OF NEW YORK
COUNTY OF NEW YORK
DATE: November 28, 2006
IAB CASE #CC 2006-72

ADMINISTRATIVE
SUBPOENA
DUCES TECUM

METROPOLITAN TRANSPORTATION AUTHORITY
POLICE DEPARTMENT
345 MADISON AVENUE
9TH FLOOR
NEW YORK, NY 10017

Mailing Address: MTA POLICE DEPARTMENT
INTERNAL AFFAIRS BUREAU
Attn: Christopher A. Pontorno-Lieutenant
347 Madison Avenue
3rd Floor
New York, NY 10017
Telephone No. 212-878-1126

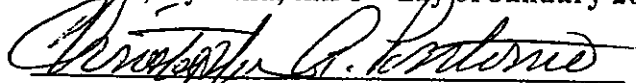
TO: Mr. Don Cardone
Transcare
Corporate Director Quality Assurance
And Corporate Compliance

ATTN: Mr. Cardone

YOU ARE HEREBY COMMANDED to produce a certified copy of the following:

1. Any and all information in your possession, specifically the ACR, relative to a 911 ambulance call and response on September 13, 2006, at approximately 0039 hours, to the MTA Police District Office at Penn Station, Manhattan. The EMT attending was Jonathon Wallace, #6943, operating Bus #08C. The aided was Stephen Bain, M/W, DOB of 07/11/77.
2. The purpose of this subpoena is for a confidential administrative investigation conducted by a Superior Officer of the Metropolitan Transportation Authority Police Department into the conduct of a member assigned to the Police Department. You are not to disclose the existence of this request for a period of 90 days. Any such disclosure could impede the investigation being conducted and thereby interfere with the enforcement of the law.

Witness, my hand, this 3rd day of January 2007



Christopher A. Pontorno
Police Lieutenant

Metropolitan Transportation Authority Police Department
Internal Affairs Bureau

The addressee is bound by this subpoena duces tecum to produce the above-described documents in connection with the above-mentioned investigation. (Issued pursuant to the State of New York Public Officers Law § 61.)